IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9831 OF 2004

Shri Avdhoot Govind Kelkar .. Petitioner

Vs.

Smt. Anuradha Avdhoot Kelkar .. Respondent

Mr. S.V. Palsuledesai for petitioner.
Smt. Anuradha Kelkar respondent-wife in person present.

CORAM: B.H. MARLAPALLE, J.

Date : July 12, 2006.

P.C.:

1. Heard Mr. Palsuledesai the learned counsel for the petitioner-husband and the respondent-wife in person.

2. In R.D. No.127 of 1999 the Distress Warrant was issued by the learned Principal Judge of the Family Court on 8/9/2004 and, therefore, this petition came to be filed.

3. In the said order dated 8/9/2004 the learned Principal Judge had noted that the amount payable was

Rs.27,000/- towards the arrears of maintenance, prior to 1999 and the total amount of arrears was stated to be Rs.43,000/- until the day the impugned order was passed. Pursuant to the order passed by this court on 10/3/2006, the petitioner-husband has deposited an amount of Rs.17,000/- with the Registry of this court on 20/3/2006.

4. The learned counsel for the petitioner submitted that the daughter attained majority sometimes in the year 1996 and the petitioner has no source of income to continue to pay maintenance to the respondent-wife at the rate of Rs.250/- per month as he has retired. Such a plea cannot be considered in this petition and the remedy for the petitioner-husband would be to approach the Family Court for variation of the maintenance amount.

5. The petition is, therefore, disposed with liberty to the petitioner-husband to approach the competent forum for reconsideration of the maintenance amount, as may be permissible in law and in the meanwhile the respondent-wife is allowed to withdraw

the amount of Rs.17,000/- deposited by the petitioner with the Registry of this court.

6. The Registrar (Judicial) is hereby directed to refund the said amount to the respondent-wife on her application.

(B.H. Marlapalle,J.)